

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 1474 OF 2007

Yogesh Daulatraj Mehta & Ors.

Petitioners

Vs.

State of Maharashtra & Ors.

Respondents

Kum R. Iyer Sr. counsel with S. Thakkar &
Co. for the petitioners.

Sri G. W. Mattos, AGP for respondent Nos. 1 and
2.

Sri Y. Chaudhari, Advocate for the respondent
No.5.

CORAM : SRI R.M.S. KHANDEPARKAR
AND
SRI A. A. SAYED, JJ.

DATE : DECEMBER 7, 2007.

P.C.

. Heard. By the present petition, the
petitioners are seeking to challenge the order
dated 24th September 1992 and 30th September
1992 wherein the respondent No. 2 had approved
the proposal of acquisition of the land and the
respondent No.2 had passed an award relating to
vest the said property in the MHADA, under the
provisions of law, comprised under MHADA Act.

The petition has been filed in July 2007. The only ground for delay in approaching the Court disclosed in the petition is that the petitioners were appointed as the trustees of the Trust on 20th September 2005. Even though the petition filed in July 2007, neither any satisfactory explanation, nor any sufficient ground disclosed for condoning the delay in approaching the Court. There is absolutely no explanation for the delay from 1992 to 2005, except contending that the petitioners were appointed as the trustees in September 2005. It can hardly be said to be an explanation for delay of fifteen years in approaching the court for challenging the acquisition of the property in the year 1992 and on this ground of laches alone, the petition is liable to be rejected. As the constitutional validity of the provisions of MHADA Act is sought to be challenged essentially on account of challenge to the acquisition of the property and as such the challenge is not maintainable on account of unexplained delay, question of entertaining challenge to the constitutional validity of the said provision of law does not arise. Hence the petition fails and petition is accordingly

hereby rejected.

2. At this stage, the learned counsel for the petitioner craves leave to file appeal against the order. We do not find any substantial question of law for consideration in the matter, and therefore, request is rejected. However, the status-quo of order initially passed shall remain in force for a period of 12 weeks.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[A. A. SAYED, J.]